

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE OF PALM BEACH COUNTY, FLORIDA, AS FOLLOWS: AMENDING SECTION 1.5.B.3. (EXEMPTIONS AND EFFECT OF CODE ON PREVIOUSLY APPROVED DEVELOPMENT ORDERS, SUBSEQUENT DEVELOPMENT ORDERS AND APPLICATIONS IN PROCESS) TO CLARIFY HOW THE CODE EFFECTS APPLICATIONS IN PROCESS PRIOR TO THE EFFECTIVE DATE OF THE CODE; PROVIDING FOR INTERPRETATION OF CAPTIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125 (County Government) of the Florida Statutes establishes the right and power of counties to provide for the health, welfare and safety of the existing and future residents by enacting and enforcing zoning and administrative regulations necessary for the protection of the public; and

WHEREAS, the Unified Land Development Code was recently adopted pursuant to Chapter 163.3202 (Land Development Regulations) of the Florida Statutes to further growth management requirements; and

WHEREAS, the Code establishes a grace period for implementing the Unified Land Development Code which allows applications in the approval process prior to code adoption to complete their review under Ordinance 73-2; and

WHEREAS, the Board of County Commissioners finds that postponements requested by Palm Beach County and agreed to by the applicant could inadvertently jeopardize issuance of development orders for applications in the process; and

WHEREAS, the Board of County Commissioners determines that it is necessary to provide that the grace period may be extended where postponements are initiated by Palm Beach County and agreed to by the applicant; and

WHEREAS, the Board of County Commissioners finds this amendment is consistent with the adopted Comprehensive Plan and will clarify existing regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, THAT:

Part 1. Section 1.5.B.3. (Exemptions: Effect of Code on Previously Approved Development Orders, Subsequent Development Orders and Applications in Process, Applications Filed prior to the Effective Date of this Code) of the Unified Land Development Code of Palm Beach County, Ordinance 92-20, is hereby amended to add additional language as follows:

Sec 1.5 EXEMPTIONS: EFFECT OF CODE AND AMENDMENTS ON PREVIOUSLY APPROVED DEVELOPMENT ORDERS.

B. Subsequent Development Orders and Applications in Process.

3. Applications filed prior to the effective date of this Code. An application for a special exception, special permit, district boundary change (rezoning), site plan review committee approval, subdivision plan or land development permit, or a building permit which is filed with and accepted by the department prior to the effective date of this

Code may be reviewed and processed under the terms of Ordinances No. 73-2 and 73-4, as amended. In addition, all relevant applications shall be certified by prehearing conference on or before the effective date of this Code and approved by the Board or receive site plan or subdivision certification on or before September 30, 1992, in order to continue to be reviewed and processed under the terms of Ordinances No. 73-2 and 73-4, as amended. However, for district boundary change (rezoning) and special exception petitions before the Board of County Commissioners, if a postponement is recommended by county staff, approved by the Board and agreed to by the petitioner, then this September 30th date shall be extended for a period not exceeding six (6) months from the date the Board approved the postponement and the petition may continue to be reviewed and processed under the terms of Ordinances No. 73-2 and 73-4. However Further, in all cases, these applications must also comply with Sec. 1.5.B.2.a).4).(b) herein. After approval, the application shall be considered a project with a valid development order for the purposes of modification and applicability of the general requirements of the this Code, or any amendments hereto. Applications submitted after September 30, 1992 shall be reviewed under the standards of this Code.

Part 2. CAPTIONS.

The Captions, section headings, and section designations used in this Ordinance are intended for convenience of users only and shall have no effect on the interpretation of the provisions of this Ordinance.

Part 3. REPEAL OF LAWS IN CONFLICT.

All local laws and Ordinances applying to Palm Beach County in conflict with any provisions of this Ordinance are hereby repealed.

Part 4. SEVERABILITY.

Should any section, paragraph, sentence, clause, or word of this Ordinance be held to be unconstitutional, inoperative, or void, such holding shall not effect the validity of the remainder of this Ordinance.

Part 5. INCLUSION IN CODE.

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida, and the various sections may be retitled, renumbered, or relettered to accomplish this purpose.

Part 6. EFFECTIVE DATE.

The provisions of this Ordinance shall become effective upon receipt of acknowledgement by the Department of State of the State of Florida.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on the 22nd day of September, 1992.

PALM BEACH COUNTY, FLORIDA by its
BOARD OF COUNTY COMMISSIONERS

By: [Signature]
Chair

Attest;
Milton T. Bauer, Clerk

By: [Signature]
* Deputy Clerk

Approved as to form
and legal sufficiency:

By: [Signature]
County Attorney

Acknowledgement by the Department of State of the State of Florida, on this, the 6th day of October, 1992.

EFFECTIVE DATE: Acknowledgement from the Department of State received on the 13th day of October, 1992 at 3:23 P.M., and filed in the Office of the Clerk of the Board of County Commissioners of Palm Beach County, Florida.

STATE OF FLORIDA COUNTY OF PALM BEACH
The ex-officio Clerk of the Board of County Commissioners
certify this to be a true and correct copy of the original filed in
my office on 9/22/92
DATED at West Palm Beach, FL on 10/14/92
Clerk, BCC
By: [Signature] D.C.
Deputy Clerk